

Minutes for the Seminole County Board of Adjustment
MONDAY, OCTOBER 27, 2003
6:00 P.M.

Members Present: Mike Hattaway, Wes Pennington, Dan Bushrui,
Alan Rozon and Dr. Lila Buchanan

Staff Present: Earnest McDonald, Principal Coordinator, Kathy Fall, Senior Planner, J.V. Torregrosa, Planner, Patty Johnson, Senior Staff Assistant

The Chairman called the meeting to order at 6:00 P.M. Mr. Hattaway then reviewed the method by which the meeting would be conducted, rules for voting and appealing decisions.

Chairman Hattaway stated that item 12 would not be heard.

CONSENT ITEMS

VARIANCES:

1. **RIDGEWOOD STREET EAST** – Summerfield Homes, Inc., applicant; Request for rear yard setback variance from 30 feet to 20 feet for a proposed single-family home in the R-1AA (Single-Family Dwelling District); Located on the north side of Ridgewood Street East, approximately 320 feet west of the intersection of Ridgewood Street East and Virginia Avenue; (BV2003-150).
District 4 - Henley
Earnest McDonald, Principal Coordinator
2. **BEACH AVENUE** – Bonnie L. & Jaime L. Giroux, applicants; Request for minimum width at the building line variance from 150 feet to 110 feet for a proposed single-family home in the A-1 (Agriculture District); Located on the east side of Beach Avenue, approximately 350 feet north of the intersection of Beach Avenue and Stanley Street; (BV2003-149).
District 4 – Henley
Earnest McDonald, Principal Coordinator
3. **SNOW HILL ROAD** – Joyce Jones, applicant; Request for width at building line variance from 150 feet to 104.3 feet for a proposed single-family home in the A-5 (Rural Zoning Classification District); Located on the northeast corner of the intersection of Butterfly Forest Road and Snow Hill Road; (BV2003-137).
District 2 – Morris
Francisco Torregrosa, Planner

8. **370 SCOOTER POINT** – Anthony St. George, applicant; Request for special exception for the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for two years; Located on the north side of Scooter Point, approximately 700 feet east of the intersection of Burnt Tree Way and Scooter Point; (BM2003-016).
District 5 – McLain
Francisco Torregrosa, Planner
21. **351 GOLFVIEW AVENUE** – Patton Wasson, applicant; Request for; (1) front yard setback variance from 50 feet to 16 feet for an existing residence; and (2) front yard setback variance from 50 feet to 29 feet for a proposed addition in the A-1 (Agriculture District); Located on the west side of Golfview Avenue approximately 475 feet southeast of the intersection of Snow Queen Drive and Golfview Avenue; (BV2003-136).
District 1 – Maloy
Francisco Torregrosa, Planner

Mr. Pennington made a motion to approve the Consent Agenda Items 1, 2, 3, 8 and 21.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

CONTINUED ITEMS

VARIANCES:

9. **1893 EASTBROOK BOULEVARD** – Audrey Fitzgerald, applicant; Request for a (north) side street setback variance from 25 feet to 4.8 feet for a proposed fence in the R-1A (Single-Family Dwelling District); Located at the southwest corner of the intersection of Australian Circle and Eastbrook Boulevard; (BV2003-161).
District 1 – Maloy
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff's recommendation was for approval.

The applicant was not present.

Dr. Buchanan made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

SPECIAL EXCEPTION:

- 10. 1171 SANDY LANE** – PACE / Richard M. Dunn (Brantley Hall, Inc.), applicants; Request for special exception to expand an existing private school for children with learning disabilities in the A-1 (Agriculture District); Located on east side of Sandy Lane, approximately 0.1 mile south of the intersection of Sandy Lane and Sand Lake Road; (BS2003-021).
District 3 – Van Der Weide
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the application and stated that staff had not received a revised Site Plan. He further stated that staff had received in writing a request for continuance.

Mr. Pennington made a motion to continue item 10 until the November 24, 2003 meeting.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

PUBLIC HEARING ITEMS

Mobile Home Special Exceptions:

- 4. 5950 LAKE AVENUE** – Valerie Long, applicant; Request for special exception for the temporary placement of a mobile home in the A-1 (Agriculture District) for one year; Located on the west side of Lake Avenue, approximately 210 feet north of the intersection of Lake Avenue and Cadillac Street; (BM2003-015).
District 5 – McLain
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that the applicant had changed her request from permanent placement of a mobile home to temporary placement. Kathy further stated that the applicant would move the mobile home

once her home was built. Staff recommended approval in accordance with the Development Order presented with request.

Valerie Long stated her plans were to build a home at the beginning of the year. She further stated that she would like to put the mobile home toward the front of the lot and build her house behind the mobile home.

Mr. Rozon made a motion to approve the request in accordance with the terms of the Development Order.

Mr. Bushrui seconded the motion.

The motion was passed by unanimous consent (5-0).

- 5. 1290 BEE LANE** – Michelle Chalstrom, applicant; Request for special exception for the temporary placement of a recreational vehicle in the A-5 (Rural Zoning Classification District) for one year; Located on the west side of Bee Lane, approximately 700 feet south of the intersection of East Osceola Road and Bee Lane; (BM2003-019).
District 2 – Morris
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff's recommendation was for approval for the 1 year temporary placement of the recreational vehicle. He further stated that staff had received letters of opposition today on the request.

Michelle Chalstrom stated that she planned to build a house on the property and needed to live in the mobile home until the house was built. She stated that she was told she could put the motor home on the property until she could build her house.

Tammy Lee spoke in opposition stating that when Michelle moved there she said she had a contract and was going to build a house; to date she had not done anything towards doing that. Tammy inquired about the septic? Tammy further stated that they have waited 5 months and nothing has happened, as far as a building permit for a home.

Tim Lee spoke in opposition stating that he wanted to know that something was going to happen as far as the building of the house.

Michelle Chalstrom stated that she had proof that a contract has been made. She gave the board a copy of the contract.

Mr. Rozon made a motion to approve the request for 6 months with the following conditions; applicant comes back in after 6 months to

demonstrate to the County that substantial progress has been made and applicant has to move the mobile home weekly to dump septic and replenish the water and provide documentation to County, or get permits to construct a well and septic drainfield.

Dr. Buchanan seconded the motion.

The motion passed by a 3-2 consent. Mr. Hattaway and Mr. Bushrui were in opposition.

- 6. 1700 BLUEFISH PLACE –** Joseph Sapp, applicant; Request for special exception for the permanent placement of an existing mobile home in the A-5 (Rural Zoning Classification District); Located on the north side of Bluefish Place, approximately 0.5 mile east of the intersection of Mullet Lake Park Road and Bluefish Place; (BM2003-017).
District 5 – McLain
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that the applicant would like to receive permanent status on an existing mobile home with a chronically ill family member. He further stated that staff's recommendation was for approval.

Joseph Sapp asked if his daughter could speak on his behalf. The daughter stated her name as Tammy Bebe. She further stated that her father had a liver transplant about 10 years ago and had been on 12 medications. He has severe memory lose and can't remember to take his medicine. If he doesn't take his medicine he will die. Tammy also stated she quit her job after 19 years to take care of her father and mother, and need the medical hardship for proximity to administer care for he father.

Mr. Rozon made a motion to approve the request for the life of the mobile home.

Mr. Pennington seconded the motion.

The motion passed with 4-1 consent. Mr. Hattaway was in opposition.

- 7. 1700 BLUEFISH PLACE –** Joseph Sapp, applicant; Request for special exception for the permanent placement of a mobile home for a chronically ill relative in the A-5 (Rural Zoning Classification District); Located on the north side of Bluefish Place, approximately 0.5 mile east of the intersection of Mullet Lake Park Road and Bluefish Place; (BM2003-018).
District 5 – McLain
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that staff's recommendation was for approval.

Tammy Bebe the applicant daughter stated that she has a husband and two children and would like to live in her own mobile home on the property to care for her father and mother.

Mr. Rozon made a motion to approve the request with the condition that the applicant is required to bring in a letter from the doctor within 60 days on the doctor letterhead.

Mr. Pennington seconded the motion.

The motion was passed by unanimous consent (5-0).

Variances:

- 11. 1213 WAVERLY WAY** – Chad M. Dunbar, applicant; Request for (1) (north) rear yard setback variance from 30 feet to 15 feet; and (2) (west) side yard setback variance from 10 feet to 7 feet for a proposed detached garage in the R-1AA (Single-Family Dwelling District); Located on the west side of Waverly Way, approximately 300 feet north of the intersection of Waverly Way and Windsor Avenue; (BV2003-151).
District 4 – Henley
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Chad Dunbar stated that he was looking to put a detached garage on the back left corner of the property. He also stated that he has trees in the back and the only place to put the structure, without cutting down any of the trees, would be in the proposed location. He further stated that he had letters from neighbors in support of his request.

Mr. Rozon made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

- 12. 100 WILD FERN DRIVE** - Herbert A. Piper, applicant; Request for side street setback variance from 25 feet to 22.5 feet for a proposed addition to a single-family home in the PUD (Planned Unit Development District);

Located immediately north of the intersection of Wild Fern Drive and Red Bug Lane; (BV2003-145)
District 3 - Van Der Weide
Earnest McDonald, Principal Coordinator

This item was approved by an Administrative Variance.

- 13. 116 BRIAR PATCH** – Gary D. & Sharon J. Pudlewski, applicants; Request for (south) side street setback variance from 25 feet to 5 feet for a proposed fence in the R-1AA (Single-Family Dwelling District); Located at the northwest corner of Briar Patch and Clover Lane; (BV2003-135).
District 4 – Henley
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request unless the applicant can demonstrate a hardship.

Gary Pudlewski stated that he felt the hardship is the fact that he has two front yards to contend with, and most neighbors have one. He further stated that some neighbors have fences within two feet of the side walk.

Dr Buchanan made a motion to approve the request based upon the statement from Seminole County Engineering Dept.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

- 14. 3816 GREYSTONE LEGEND PLACE** - Pedro M. Martinez, applicant; Request for fence height variance from 6.6 feet to 9 feet in the R-1AA (Single-Family Dwelling District); Located on the west side of Greystone Legend Place, approximately 0.1 miles north of the intersection of Greystone Legend Place and McCulloch Road; (BV2003-138).
District 1 – Maloy
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff recommended approval of no more than 8 feet for the variance on the height of the fence.

Pedro Martinez stated he was trying to obtain a certain privacy for the swimming pool. He also stated that he noticed the yard dropped when he put in the pool. He further stated that he would like the fence on the south side of the house to be the same height.

Dr Buchanan made a motion to approve the request not to exceed 9 feet.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

- 15. 2765 RICHMOND AVENUE** – James McLaughlin, applicant; Request for rear yard setback variance from 30 feet to 10 feet for a proposed accessory building in the A-1 (Agriculture District); Located on the east side of Richmond Avenue, approximately 0.2 miles north of the intersection of Richmond Avenue and Moore's Station Road; (BV2003-152).
District 5 – McLain
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it did not meet the six criteria for granting a variance.

James McLaughlin stated he was requesting the variance to put up a shed for his camper. He also stated that he had a letter from his neighbor, in agreement with the proposed shed.

Mr. Pennington made a motion to approve the request.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

- 16. 1219 LAS CRUCES DRIVE** – Nikki Bellamy-Sims, applicant; Request for rear yard setback variance from 25 feet to 20 feet for a proposed addition in the PUD (Planned Unit Development District); Located on the south side of Las Cruces Drive, approximately 400 feet south of the intersection of Las Cruces Drive and Rising Sun Boulevard; (BV2003-144).
District 2 – Morris
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the variance because it did not meet the six criteria for granting a variance.

Nikki Bellamy-Sims stated that her family had expanded and it needed more bedrooms. She also stated that the size of the bedrooms, without the variance, would be too small. She further stated that if they were going to do the addition

the rooms would need to be a reasonable size, and they also needed more closet space.

Mr. Pennington made a motion to approve the request per the Development Order.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

- 17. 2800 EGRET'S LANDING DRIVE** – Mary Jevitt, applicant; Request for rear yard setback variance from 20 feet to 10 feet for a proposed covered screen room in the PUD (Planned Unit Development District); Located on the south side of Egret's Landing Drive, approximately 350 feet east of the intersection of Egret's Landing Drive and Old Lake Mary Road; (BV2003-148).

District 5 – McLain

Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it did not meet the six criteria for granting a variance.

Mary Jevitt stated that she would like to close in the open slab out back. She also stated that the conservation area behind her had become a swamp. She further stated that the screen room would protect her from infestation and the western sun. She presented a letter from her homeowners association and signatures of approval from neighbors.

Mr. Bushrui made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent. (5-0).

- 18. 3173 EGRET'S LANDING DRIVE** – Carl Vano, applicant; Request for rear yard setback variance from 20 feet to 17.5 feet for a proposed covered screen room in the PUD (Planned Unit Development District); Located on the south side of Egrets Landing Drive, approximately 200 feet south of the intersection of Egret's Landing Drive and Snow Owl Court; (BV2003-146).

District 5 – McLain

Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it did not meet the six criteria for granting a variance.

Jeff Neff stated he would represent the applicant, Carl Vano who was out of town. He said that the house was on a pie shaped lot and the Vanos wanted to cover the slab.

Mr. Rozon made a motion to approve the request.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

- 19. 2660 CAHILL WAY** – Pedro Colon, applicant; Request for rear yard setback variance from 20 feet to 8.4 feet for an existing covered screen room in the PUD (Planned Unit Development District); Located on the west side of Cahill Way, approximately 350 feet south of the intersection of Cahill Way and Brightview Drive; (BV2003-142).

District 5 – McLain

Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff could not recommend approval of the request because it did not meet the six criteria for granting a variance.

Pedro Colon stated that he requested the variance because he paid a contractor to build the screen room and take care of everything needed for the job. He stated that he found out from his neighbor that a permit was not issued for the job. He further stated he tried to contact the contractor, who had since moved and could not be reached. He went to the building Dept. of Seminole County and was told to apply for a variance.

Mr. Pennington made a motion to approve the request.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

- 20. 2775 E. OSCEOLA ROAD** – Bruce Patti, applicant; Request for side yard setback variance from 50 feet to 5 feet for an existing horse stable in the A-5 (Rural Zoning Classification District); Located on the north side of E. Osceola Road approximately 900 feet west of the intersection of Osceola Bluff Lane and E. Osceola Road; (BV2003-140).

District 5 – McLain

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application and stated that staff recommended the Board deny the variance, unless the applicant could demonstrate a hardship. If the Board should decide to grant the variance it would only apply to the existing stable.

Bruce Patti stated that he has children and grandchildren and would eventually like to put a house on the other side of the property. He also stated he would like to keep the existing stable where it is.

Mr. Pennington made a motion to approve the request.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

SPECIAL EXCEPTIONS:

- 22. 5347 CARTER ROAD** – Wireless Facilities, Inc., Cingular Wireless, LLC., & Kevin Karr, applicants; (1) Request for special exception for the establishment of a 150 foot tall camouflage communication tower in the A-1 (Agriculture District); (2) Request for variances from 450 feet to 298.67 feet; 450 feet to 294.17 feet; 450 feet to 307.46 feet; 450 feet to 353.5 feet; 450 feet to 32.25 feet; and 450 feet to 41 feet for the minimum separation distances required between a proposed 150 foot tall camouflage communication tower and properties assigned the SE (Suburban Estates) Future Land Use designation; Located on the east side of Carter Road, approximately 0.2 mile south of the intersection of Carter Road and Markham Woods Road; (BS2003-026) & (BV2003-153).
District 5 – McLain
Earnest McDonald, Principal Coordinator

(THIS ITEM ALSO INCLUDES A REQUEST FOR VARIANCES)

Earnest McDonald introduced the location of the application and stated that staff had examined the definition of a Camouflage Tower as defined by the Land Development Code. Given the character of the forested area where the tower would be built, staff does not believe a monopine in excess of 50 feet would successfully merge, blend or conform in appearance with existing surroundings. For this reason, staff would like to modify recommended condition number 2 to use a flagpole instead of the proposed monopine tree system. Staff believes this treatment would be more pleasing to surrounding development and reduce the potential for visual impact. He also stated that given the 450 feet separation distance required between the proposed tower location and abutting Suburban Estates properties to the north and south the variances would be necessary to

ensure reasonable use of the property as the location for a communication tower. He further stated that staff recommends approval of the special exception, subject to the recommended conditions in the staff report if the applicant could demonstrate that more than 125 feet is required to make reasonable use of the property for establishing a communication tower. Otherwise, staff recommends the Board deny the request, in light of the existing 120 – 125 ft collocation option available on the existing 135 feet tower to the north. He stated that the Board should make separate motions on the special exception and variance items.

Carl Sanders, with the Law Firm of Edwin Cowen spoke on behalf of Wireless Facilities, Inc. He stated that he was a little taken back by some of staff comments because they were not in the report. He stated that if it was the pleasure of the Board, or staff for that matter, for Cingular Wireless to propose a monopine at this site, Cingular would agree to comply. He stated that camouflage can be defined two different ways. "The issue is will it be something that you can see? Yes. Will it be something that is immediately recognizable as a tower? No. That is why we are purposing this tower". He stated we have Engineers here tonight who will be happy to explain the reason to you. He further stated he felt that they did meet the criteria stated in the Zoning Code.

Paul Fowler spoke in opposition stating he spend some time on the internet and found evidence on Safety issues. He further stated that one of the articles was on RF Radiation, which may cause cancer. His chief concern is for his family and other families.

Seminole County Attorney, Arnold Schneider stated he need to advise the Board that there is an Act in Congress that prohibits the board from taking in consideration the information on RF Radiation. He Further stated that 40-79 State Code, Section 332 or 337 is the Federal Status passed by Congress.

Wanda Fowler stated that since the health issue could not be considered, it is a eyesore and she didn't want it in her back yard.

Dimitrios Kioukis stated that he would like for the lifestyle in the Markham Woods area to remain.

Cynthia Jackson stated she bought her house in that area because of the isolation and the country setting. She stated that in the Heathrow area there is some land that has not been developed why not put the tower their.

Dr. Buchanan made a motion to approve the special exception of a 150 foot monopine camouflage tower with heavy branches and bark, designed to put as many branches as technologically feasible and the structural integrity is maintained.

Mr. Pennington seconded the motion.

Mr. Bushrui, Mr. Hattaway and Mr. Rozon were in opposition.

Motion died.

Mr. Rozon made a motion to deny the request based on the setbacks in the Land Development Code.

Mr. Bushrui seconded the motion.

Motion passed with a (3-2) consent.

- 23. 3348 WEST STATE ROAD 426** – Saint Albans Church / Edward Longstreth, applicants; Request for special exception to establish a day care facility as an accessory use to an existing church in the A-1 (Agriculture District); Located at the northeast corner of the intersection of West State Road 426 and Mystic Lake Drive; (BS2003-025).
District 1 – Maloy
Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval, based upon its compliance with the Land Development Code criteria.

Edward Longstreth stated he agreed with staff recommendation.

Mr. Pennington made a motion to approve the request.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

- 24. 950 LAKE MARION DRIVE** – Lili-Ann Hackett-Ralph, applicant; Request for special exception for the conversion of a detached garage into a guest cottage in the R-1AA (Single-Family Dwelling District); Located on the west side of Lake Marion Drive, approximately 200 feet north of the intersection of Freymark Street and Lake Marion Drive; (BS2003-024).
District 4 – Henley
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff's recommendation was for approval. He also stated that staff received e-mail in opposition of the request.

Lili-Ann Hackett-Ralph stated that she would like to convert the existing building into a guest cottage, for family and friends to visit. She further stated she went around to her neighbors and received signed letters of approval.

Jim Gallagher, the applicant's husband, stated they didn't have anywhere else to put the guest cottage on the property, except the location of the detached garage. He further stated he would like to have it approved.

Mr. Bushrui made a motion to approve the request as submitted.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

APPROVAL OF MINUTES

Mr. Pennington made a motion to approve the September 22, 2003 minutes,

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

ADJOURNMENT

Time of Adjournment was 10:25 P.M.